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8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA

11           ROLAND G. WILLIAMS,

12           Plaintiff,

13           v.

14           ANNIE WRIGHT SCHOOL,

15           Defendant.

Case No. C09-5012FDB

ORDER DENYING LEAVE TO  
PROCEED *IN FORMA PAUPERIS*  
AND FOR COURT APPOINTED  
COUNSEL

This case arises from the circumstances surrounding Plaintiff Roland G. Williams' November 14, 2007 termination from his position as a dinner cook. The circumstances are outlined in the EEOC investigator's letter to Williams.

Williams had originally been hired by Annie Wright School as a grill cook, working the lunch shift, on February 1, 2007, but when a dinner cook position became open, Williams expressed an interest in it. Williams' supervisor explained to him that there was less flexibility in covering missed dinner shifts than there was in covering the grill for lunches, and his supervisor also explained the duties and responsibilities of the dinner cook position. Upon Williams stating that he understood the responsibilities and that he wanted the job, he was awarded the dinner cook position. Williams went out on fourteen days sick absence after he accepted the dinner cook position. This fourteen-day

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1 absence, coupled with Williams absenteeism and tardiness over his nine-month tenure as a cook, led  
2 Annie Wright School to terminate Williams for unsatisfactory attendance. Williams did not allege  
3 that he was treated differently while working with a kitchen staff of eight personnel, including two  
4 Chinese, two Hispanic, and one disabled person. EEOC found no evidence to show that Williams  
5 was subject to discrimination based on race or that he was retaliated against.

6 Williams takes issue with his record of tardiness arguing that his “punch in times was  
7 changed” to make it look like he was late, and he says he had to get his daughter from day care.  
8 Williams states that he tried for two months to find an attorney to take his case, but the two who  
9 were willing charged too much.

10 The Court has considered Williams applications and the EEOC report, including Williams’  
11 hand-written commentary on the report. Under all the circumstances, the Court will deny the  
12 applications.

13 NOW, THEREFORE, IT IS ORDERED: Plaintiff Williams’ Application To Proceed *In*  
14 *Forma Pauperis* [Dkt. # 1] and Application for Court Appointed Counsel [Dkt. # 2] are DENIED.

15 Plaintiff shall pay the filing fee by no later than February 27, 2009 or this cause of action will  
16 be dismissed.

17 DATED this 2<sup>nd</sup> day of February, 2009.

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19 FRANKLIN D. BURGESS  
20 UNITED STATES DISTRICT JUDGE  
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